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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **BORON REST STOP WATER SYSTEM**
 Water Company No. 1502422

TO: Mark Heckman, Associate Environmental Planner
 California Department of Transportations (Caltrans)
 500 South Main Street
 Bishop, CA 95314

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1502422
TOTAL COLIFORM MCL VIOLATION -- November 2012
Citation No. 03-19-13C-039**

Issued on July 25, 2013

STATEMENT OF FACTS

Boron Rest Stop Area Water System (hereinafter Water System) is classified as a transient noncommunity water system and mainly serves a transient population of approximately 300 persons through two service connections. The Water System is located in the vicinity of Boron and near HWY 58. The Water System has one active source of supply, Well 01 (PS Code: 1502422-001) and a 1,000-gallon storage tank. In 2009, the Water System drilled a second well (Well 02) on the westbound portion of the Boron Rest Stop. The new well is not in service and has not been approved by the Department for domestic use. The Water System is required to submit a permit amendment application to the Department to obtain approval for using Well 02 and has not done so. The Water System operates under the authority of a domestic water supply permit (#2422) issued on May 11, 1976, by the Kern County Health



1 Department. The Department will issue a new domestic water supply permit to the
2 Water System after receiving a permit application for Well 02.

3
4 The Southern California Drinking Water Field Operations Branch, Division of
5 Drinking Water and Environmental Management, California Department of Public
6 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
7 Water Act and regulations promulgated pursuant thereto.

- 8
9
- 10 • The Water System is required to collect two (2) routine bacteriological samples
11 per month. Please refer to the Water System's approved Bacteriological
12 Sample Siting Plan (BSSP) or Table 64423-A.
 - 13 • One (1) out of the four (4) routine bacteriological samples collected on
14 September 11, 2012, from the distribution system tested positive for total
15 coliform bacteria and fecal coliform bacteria. The fecal coliform positive
16 sample was collected from the eastbound portion of the Boron Rest Stop.
 - 17 • On September 12, 2012, John Lara from the Water System contacted the
18 Department and notified about the fecal coliform positive sample.
 - 19 • The Department issued a Tier 1 Boil Water Notice (BWN) to the Water System
20 due to the fecal coliform positive sample. On the same day, the Water System
21 distributed the BWN to the persons served by the Water System and also
22 posted the BWN at conspicuous locations within service area of the Water
23 System.
 - 24 • On September 12, 2012, the Department also emailed a blank investigation
25 report form to the Water System to determine the cause of the fecal coliform
26 positive sample.
- 27



- 1 • All six (6) repeat samples collected on September 13, 2012, from the
2 distribution system tested negative for total coliform bacteria. One (1) of the
3 six (6) repeat samples was collected from the pressure tank of Well 01, and
4 was considered representative of water from Well 01.
- 5 • All five (5) repeat samples collected on September 18, 2012, from the
6 distribution system tested negative for total coliform bacteria.
- 7 • **The Water System did not fail the total coliform maximum contaminant**
8 **level (MCL) in September 2012.**
- 9 • On October 3, 2012, the Department received a completed investigation report.
10 The investigation report did not identify any possible cause of the fecal
11 coliform positive sample in September 2012.
- 12 • Due to the fecal coliform positive sample in September 2012, the Water
13 System was required to collect five (5) routine distribution system samples in
14 October 2012, and collected only four (4) routine samples on October 2, 2012.
15 To document this monitoring and reporting violation, the Department issued
16 Enforcement Letter No. 03-19-13E-003 on January 4, 2013, to the Water
17 System.
- 18 • Four (4) routine bacteriological quality samples were collected on November
19 13, 2012, from the distribution and one (1) out of those four (4) samples
20 (collected from the eastbound rest stop) tested positive for total coliform
21 bacteria.
- 22 • Three (3) out of four (4) repeat bacteriological quality samples collected on
23 November 15, 2012, from the distribution system (eastbound rest stop) tested
24 positive for total coliform bacteria.
25
26
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- 1 • One (1) repeat Ground Water Rule triggered source sample collected on
- 2 November 15, 2012, from Well 01 also tested positive for total coliform
- 3 bacteria.
- 4 • Four (4) investigative samples collected on November 26, 2012, from the
- 5 distribution system tested negative for total coliform bacteria.
- 6 • One (1) investigative sample collected on November 26, 2012, from Well 01
- 7 also tested negative for total coliform bacteria.
- 8 • None of the bacteriological quality samples collected in November 2012, from
- 9 the distribution system or the system well, tested positive for *E.coli* bacteria.
- 10 • **Boron Rest Area Water System failed the total coliform MCL for**
- 11 **November 2012 [Section 64426.1(b)(2), *Authorities*].**
- 12 • On November 16, 2012, Dan Froiland from Caltrans notified the Department
- 13 that the Water System failed the total coliform MCL for November 2012.
- 14 • On December 19, 2012, a public notice and Proof of Notification were emailed
- 15 to the Water System for the November 2012 total coliform MCL failure. .
- 16 • On April 24, 2013, the Department received signed and dated copies of the
- 17 public notice and Proof of Notification from the Water System. According to
- 18 these documents, public notification was completed on December 21, 2012.
- 19 • On December 19, 2012, an investigation report was emailed to the Water
- 20 System for the November 2012 total coliform MCL failure.
- 21 • On April 24, 2013, the Department received a completed copy of the
- 22 investigation report in response to the November 2012 total coliform MCL
- 23 failure.
- 24 • The investigation report indicates the possible cause of contamination as
- 25 bacteria in the pipes. The Water System provided emergency disinfection and
- 26
- 27



flushing of the system well and the distribution system to clear bacteriological contamination.

- It is noted that Well 01 also tested positive for total coliform bacteria on November 15, 2012, and may have contributed to bacteriological contamination in the distribution system.
- Due to the total coliform positive samples in November 2012, the Water System was required to collect five (5) routine distribution system samples in December 2012.
- All six (6) routine samples collected on December 4, 2012, from the distribution system, tested negative for total coliform bacteria.
- One (1) special sample collected on December 4, 2012, from Well 01 also tested negative for total coliform bacteria.
- All routine distribution bacteriological quality samples collected from January 2013 to June 2013 have tested negative for total coliform bacteria.
- All bacteriological results collected from January 2012 to June 2013 are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.



(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week



<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Water System has violated the following:

1. CHSC Section 116555(a)(3); Specifically, the Water System failed to ensure that the water system is provided with a reliable and adequate supply for pure, wholesome, healthful, and potable water.
2. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for November 2012 when more than one sample collected in November 2012, tested positive for total coliform bacteria.



1 The above violations are classified as non-continuing violations.
2

3 **DIRECTIVES**

4 The Boron Rest Stop Water System is hereby directed to take the following actions:
5

- 6 1. Cease and desist from failing to comply with Section 116555(a) of the
7 California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) of Title
8 22, California Code of Regulations (CCR).
9
10 2. The Water System shall submit a permit amendment application to the
11 Department for Well 02 and obtain written approval from the Department
12 before using Well 02 for domestic supply.
13
14 3. The Water System shall reimburse the Department, in accordance with an
15 invoice that shall be provided to the Water System, the costs for enforcement
16 activities, and such reimbursement shall be made prior to September 1 of the
17 fiscal year following the fiscal year in which such costs are incurred as
18 described in CHSC Section 116577(a)(1-2) and 116577(b).
19
20 4. Any document requested by the citation shall be submitted to the following
21 address:

22 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
23 Department of Public Health
24 Southern California Branch
25 Drinking Water Field Operations
26 4925 Commerce Drive, Suite 120
27 Bakersfield, CA 93309
Phone: (661) 335-7315
Fax: (661) 335-7316



FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon Boron Rest Stop Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Boron Rest Stop Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred



1 dollars) for each day that the violation continues beyond the date set for correction in
2 this Citation.

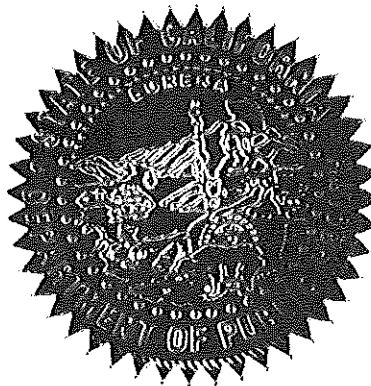
3
4 The Department does not waive any further enforcement action by issuance of this
5 citation, and expressly reserves the right to issue a citation with penalties for the
6 violations on which the Directives of this citation are based.

7
8
9 July 25, 2013
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

13
14 **Attachment:**
15 Attachment A: Summary of Distribution System Bacteriological Results
(Jan 2012 – June 2013)

16 cc: Kern County Environmental Health Services Department (w/o Attachment A)



Attachment A

Boron Rest Stop Water System

1502422

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/4/2012	11:45	Boron (East Boun	A	A		Routine			
1/4/2012	11:50	Boron (East Boun	A	A		Routine			
1/4/2012	12:05	Boron (West Boun	A	A		Routine			
1/4/2012	12:10	Boron (West Boun	A	A		Routine			
2/7/2012	10:05	Boron (East Boun	A	A		Routine			
2/7/2012	10:10	Boron (E.B.)(Outsi	A	A		Routine			
2/7/2012	10:20	Boron (W.B.)(Outs	A	A		Routine			
2/7/2012	10:25	Boron (West Boun	A	A		Routine			
3/7/2012	10:25	Boron W.B. Rest	A	A		Routine			
3/7/2012	10:30	Bron W.B. Rest Ar	A	A		Routine			
3/7/2012	10:45	Bron E.B. Rest Ar	A	A		Routine			
3/7/2012	10:50	Boron E.B. Rest A	A	A		Routine			
4/9/2012	10:35	Boron West Boun	A	A		Routine			
4/9/2012	10:40	Boron West Boun	A	A		Routine			
4/9/2012	10:50	Boron East Bound	A	A		Routine			
4/9/2012	10:55	Boron East Bound	A	A		Routine			
5/8/2012	10:35	Boron West Boun	A	A		Routine			
5/8/2012	10:40	Boron West Boun	A	A		Routine			
5/8/2012	10:50	Boron East Bound	A	A		Routine			
5/8/2012	10:50	Boron East Bount	A	A		Routine			
5/8/2012	10:55	Boron East Bound	A	A		Routine			
6/5/2012	10:30	Boron West Boun	A	A		Routine			
6/5/2012	10:35	Boron West End (	A	A		Routine			
6/5/2012	10:50	Boron East Bound	A	A		Routine			
6/5/2012	10:55	Boron East End (	A	A		Routine			
7/10/2012	10:15	Boron West Boun	A	A		Routine			
7/10/2012	10:20	Boron West Bnd (I	A	A		Routine			
7/10/2012	10:30	Boron (Outside)	A	A		Routine			
7/10/2012	10:35	Boron Rest Area (I	A	A		Routine			
8/6/2012	10:40	Boron West Bnd (I	A	A		Routine			
8/6/2012	10:45	Boron West Bnd (	A	A		Routine			
8/6/2012	11:00	Boron East Bnd (I	A	A		Routine			
8/6/2012	11:05	Boron East Bnd (	A	A		Routine			
9/11/2012	10:05	Boron West Bnd (	A	A		Routine			
9/11/2012	10:10	Boron West Bnd (I	A	A		Routine			
9/11/2012	10:20	Boron East Bnd (I	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
9/11/2012	10:25	Boron East Bnd (	P	P		Routine			
9/13/2012	11:25	Boron East Bnd (H	A	A		Repeat			
9/13/2012	11:30	Boron East Bnd (U	A	A		Repeat			
9/13/2012	11:35	Boron East Bnd (U	A	A		Repeat			
9/13/2012	11:40	Boron East Bnd (	A	A		Repeat			
9/13/2012	11:40	Boron East Bnd (	A	A		Repeat			
9/13/2012	11:45	Boron East Bnd (C	A	A		Repeat			
9/18/2012	7:55	Boron (Woman's	A	A		Other			
9/18/2012	9:50	Boron East Bnd (C	A	A		Other			
9/18/2012	10:00	Boron East Bnd (	A	A		Other			
9/18/2012	10:05	Boron East Bnd (U	A	A		Other			
9/18/2012	10:10	Boron East Bnd (U	A	A		Other			
10/2/2012	10:25	Boron West Bnd (I	A	A		Routine			
10/2/2012	10:30	Boron West Bnd (	A	A		Routine			
10/2/2012	10:40	Boron East Bnd (I	A	A		Routine			
10/2/2012	10:45	Boron East Bnd (	A	A		Routine			
10/31/2012							MR4		Enf Ltr: 03-19-13E-003 issued on January 4, 2013.
11/13/2012	9:50	Boron West Bnd (	A	A		Routine			
11/13/2012	9:55	Boron West Bnd (I	A	A		Routine			
11/13/2012	10:10	Boron East Bnd (	P	A		Routine			
11/13/2012	10:15	Boron East Bnd (I	A	A		Routine			
11/15/2012	10:30	Boron East Bnd (D	P	A		Repeat	MCL		Citation 03-19-13C-039 Issued.
11/15/2012	10:30	Boron East Bnd (I	P	A		Repeat			
11/15/2012	10:30	Boron East Bnd (	P	A		Repeat			
11/15/2012	10:30	Boron East Bnd (U	A	A		Repeat			
11/26/2012	10:20	Boron East Bnd (#	A	A		Investiga			
11/26/2012	10:20	Boron East Bnd (#	A	A		Investiga			
11/26/2012	10:20	Boron East Bnd (#	A	A		Investiga			
11/26/2012	10:20	Boron East Bnd (#	A	A		Investiga			
12/4/2012	10:40	Boron West Bnd (	A	A		Routine			
12/4/2012	10:40	Boron West Bnd (I	A	A		Routine			
12/4/2012	11:00	Boron East Bnd (#	A	A		Routine			
12/4/2012	11:00	Boron East Bnd (#	A	A		Routine			
12/4/2012	11:00	Boron East Bnd (B	A	A		Routine			
12/4/2012	11:00	Boron East Bnd (	A	A		Routine			
1/8/2013	10:20	Boron West Bnd (I	A	A		Routine			
1/8/2013	10:20	Boron West Bnd (	A	A		Routine			
1/8/2013	10:35	Boron East Bnd (I	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/8/2013	10:35	Boron East Bnd (	A	A		Routine			
2/5/2013	10:40	Boron West Bnd (l	A	A		Routine			
2/5/2013	10:40	Boron West Bnd (	A	A		Routine			
2/5/2013	10:50	Boron East Bnd (l	A	A		Routine			
2/5/2013	10:50	Boron East Bnd (	A	A		Routine			
3/5/2013	10:30	Boron West Bnd (l	A	A		Routine			
3/5/2013	10:30	Boron West Bnd (	A	A		Routine			
3/5/2013	10:45	Boron East Bnd (l	A	A		Routine			
3/5/2013	10:45	Boron East Bnd (	A	A		Routine			
4/9/2013	10:45	Boron East Bnd (l	A	A		Routine			
4/9/2013	10:45	Boron East Bnd (	A	A		Routine			
4/9/2013	11:00	Boron West Bnd (l	A	A		Routine			
4/9/2013	11:00	Boron West Bnd (	A	A		Routine			
5/7/2013	10:40	Boron East Bnd (l	A	A		Routine			
5/7/2013	10:40	Boron East Bnd (	A	A		Routine			
5/7/2013	10:55	Boron West Bnd (l	A	A		Routine			
5/7/2013	10:55	Boron West Bnd (	A	A		Routine			
6/4/2013	10:25	Boron West Bnd (l	A	A		Routine			
6/4/2013	10:25	Boron West Bnd (	A	A		Routine			
6/4/2013	10:50	Boron East Bnd (l	A	A		Routine			
6/4/2013	10:50	Boron East Bnd (	A	A		Routine			

Boron Rest Stop Water System

1502422

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
11/15/2012	10:30	Well Repeat	P	A			
11/26/2012	10:20	Well Investigative	A	A			
12/4/2012	11:00	Well	A	A			
